

SCHEDULE "B"

Anything to the contrary notwithstanding, the foregoing Option for Electric Transmission Line and Access Road Easement shall be subject to the following conditions:

1. If the Administrator elects to exercise the option, the instrument of conveyance provided to the Government shall reserve to the owner, its successors and assigns:

(a) The perpetual right to keep, service, repair, replace and maintain those certain water lines or other facilities of owner now located within the described easement, or to be located therein in conjunction with owner's specified plans for the present expansion of its aluminum reduction plant, together with the perpetual right to enter upon such premises at all reasonable times, manners and places for the service, repair, replacement and maintenance of such facilities as may be required in the judgment of the owner; provided, however, the Government shall not be responsible for loss or damage to said installations or injury to the employees or agents of the owner other than as provided by the Federal Tort Claims Act (62 Stat. 982), as amended.

(b) All ores and minerals beneath the surface of the described easement, or contained therein or thereon, together with the right to mine and extract the same, provided that such mining or extraction shall be performed without impairment of surface support or the Government's use of said surface.

(c) all water, waters and water rights belonging to or appurtenant to the described easement.

(d) the perpetual right to discharge wastes, smoke, fumes, emanations or other materials or substances from owner's aluminum reduction plant or other metals processing plant adjacent to the described easement without liability to the Government or its assigns because of obnoxious odors, corrosion or damage of any kind to the premises or to any equipment, property, installations or plantings placed or made thereon by the Government or its assigns.

2. Said instrument of conveyance also shall contain these further provisions:

(a) That the easement is subject to all prior easements of record and/or all established roads or other rights of way.

(b) That if the location of the access road, or any portion thereof, shall hereafter interfere with or obstruct the operations of owner's aluminum reduction plant or related facilities, the Government shall relocate said road upon the request of owner; provided, however, owner shall first give the Government six (6) months' written notice of such request; and provided further, that if the owner owns or controls other lands upon which said road could be relocated without interference to owner's operations, owner shall provide, without cost, a similar easement to the Government for the relocation of said road across such other land.

(c) That if the premises granted by the easement shall cease to be used or maintained for use by the Government or its assigns for the purposes stated therein, the easement shall automatically terminate and the ownership of said premises, exclusive of any improvements or equipment placed thereon by the Government, shall thereupon revert to owner; provided, however, that in such event, the Government shall have a reasonable time within which to remove such improvements and equipment.